

**Return Date: January 24, 2018, 2:00 p.m.**  
**Objection deadline: January 19, 2018, 4:00 p.m.**

**KENNEDY, JENNIK & MURRAY, P.C.**

Thomas M. Kennedy  
Susan M. Jennik  
113 University Place  
New York, NY 10003  
Tel. (212) 358-1500  
Fax (212) 358-0207

Attorneys for Trustees of Cement Workers Funds

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
In re: :  
: Chapter 11  
ADVANCED CONTRACTING :  
SOLUTIONS, LLC : Case No. 17-13147 (SHL)  
: Debtor. :  
-----X

**PRELIMINARY OBJECTION OF TRUSTEES OF THE CEMENT WORKERS FUNDS  
TO THE MOTION FOR APPROVAL OF THE SALE OF CERTAIN ASSETS OF THE  
DEBTOR FREE AND CLEAR OF LIENS, CLAIMS AND ENCUMBRANCES**

1. This chapter 11 bankruptcy case was filed because of a judgment obtained in *Moore v. Navillus Tile, Inc.* No. 14-CV-8326 (S.D.N.Y.) in part by the Trustees of the Cement Workers Funds.<sup>1</sup> (Dkt. No. 2, ¶¶ 17-18.) The Cement Workers Funds, by and through their counsel, file this Preliminary Objection to the Motion for Order Pursuant to Sections 105(a), 363 and 365 of the Bankruptcy Code and Bankruptcy Rules 2002, 6004 and 6006, *inter alia*,

<sup>1</sup> Angelo Angelone, Eric Lee and Michael Salgo as Trustees of the Cement & Concrete Workers Pension Trust Fund, Cement & Concrete Workers Welfare Trust Fund, Cement & Concrete Workers Annuity Trust Fund, Cement & Concrete Workers Scholarship Trust Fund, and Kieran O'Sullivan as Trustee of the Cement & Concrete Workers Training and Education Trust Fund (collectively, "Cement Workers Funds") were plaintiffs in *Moore v. Navillus Tile, Inc.* The Cement Workers Funds were awarded a judgment of \$21,148,271.12 jointly and severally against ACS and Navillus Tile, Inc. (Dkt. No. 17 at 107.)

Approving the Sale of Certain Assets of the Debtor Free and Clear of Liens, Claims and Encumbrances ("Motion") (Dkt. No. 122.)

2. The Cement Workers Funds believe that the relief requested by the Motion is not in the best interest of the Debtor's estate and creditors. The Cement Workers Funds are therefore filing this preliminary objection in order to create a contested matter and permit it to take discovery regarding the Motion pursuant to Bankr. R. Pr. 9014(c).

2. The Cement Workers Funds expressly reserve the right to supplement or amend this objection upon the conclusion of discovery and prior to the hearing on the Motion.

WHEREFORE, the Cement Workers Funds respectfully request that the Court enter an Order denying the Motion, and granting such other and further relief as this Court deems just and proper.

Dated: New York, New York  
December 27, 2017

Respectfully submitted,  
KENNEDY, JENNIK & MURRAY, P.C.  
Counsel for the Cement Workers Funds

By: /s/ Thomas M. Kennedy  
Thomas M. Kennedy  
Susan M. Jennik  
113 University Place  
New York, NY 10003  
Tel. (212) 358-1500  
Fax (212) 358-0207  
[tkennedy@kjmlabor.com](mailto:tkennedy@kjmlabor.com)  
[sjennik@kjmlabor.com](mailto:sjennik@kjmlabor.com)